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John J Prizzi  
Kennametal Inc  
P O Box 231  
Latrobe, PA 15650

EXAMINER

JENKINS, DANIEL J

ART UNIT

PAPER NUMBER

1742

8

DATE MAILED: 11/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS 7

# Office Action Summary

Application No.

09/632,400

Applicant(s)

MAJAGI ET AL.

Examiner

Daniel J. Jenkins

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on amendment of 7/10/02 and IDS of 9/12/02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 42-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 42-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: \_\_\_\_\_

Art Unit: 1742

1. The Examiner has considered Applicant's Response of 7/10/02. The Examiner makes a new rejection at this time, which is accordingly, not made final.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 15-19, 21, 22, 23, 25, 42, 55-58 and 60-62 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/03624 (WO '624).

WO '624 discloses a tool formed by joining at least two separate bodies (Abstract).

WO'624 discloses wherein the separate bodies are selected from a group comprising metal (Abstract).

WO'624 discloses wherein the at least two separate bodies are joined at superatmospheric pressure and at a temperature below the liquid phase sintering temperature of the at least two separate bodies (Abstract).

WO'624 discloses a mating surface between the at least two separate bodies by disclosing the at least two separate bodies are in contact, inherently having a mating surface (Abstract).

WO '624 further discloses wherein at least one of the at least two separate bodies is a carbide (page 3, lines 4-13).

Art Unit: 1742

WO '624 further discloses wherein at least one of the at least two separate bodies contains a binder selected from a group comprising Co (page 4, lines 19-26).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-14 and 43-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO'624.

WO'624 discloses the invention substantially as claimed (see paragraph 3 above).

However, WO'624 do not disclose the mating surface range of shapes and geometries as claimed by Applicant.

Art Unit: 1742

It is common knowledge in the prior art to use mating surfaces of increased surface area from the broad group as claimed by Applicant in order to increase the strength of the bond. It would have been obvious to one having ordinary skill in the art at the time of the invention to use any of known surface geometries in the field of metal bonding in the invention of WO'624 in order to increase the body strength.

7. Claim 24, 54, 59 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO '624.

WO'624 discloses the invention substantially as claimed (see paragraph 3 above).

However, WO'624 does not disclose that range as claimed by Applicant of binder, but leaves the selection of binder amount to be determined by the particular application of the invention of WO'624.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Jenkins whose telephone number is 703-306-4157. The examiner can normally be reached on M-TH6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 703-308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9593 for regular communications and 703-305-7719 for After Final communications.

Art Unit: 1742

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Daniel J. Jenkins  
Primary Examiner  
Art Unit 1742

dj  
October 20, 2002